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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 14-71256 MAG
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	CONTINUING ARRAIGNMENT AND
v.	)	EXCLUDING TIME UNDER FEDERAL RULE OF
	)	CRIMINAL PROCEDURE 5.1 AND THE SPEEDY
SERGIO VARGAS,	)	TRIAL ACT
	)	
	)	
Defendant.	)	
	)	
	)	

The undersigned parties respectfully request that the arraignment scheduled for December 10, 2014 be continued to January 29, 2015. The defendant resides in Woodland, California, and the parties are exploring the possibility of a Rule 20 transfer to the Eastern District of California. In order for the case to be transferred, the defendant must agree to enter a guilty plea and the United States Attorney for the Eastern District of California must accept the case. Therefore, the parties need time to explore a pre-indictment resolution of the case, and obtain the consent of the United States Attorney in the Eastern District of California to transfer the case. The parties also request an exclusion under Rule 5(c) and (d) of the Federal Rules of Criminal Procedure and the Speedy Trial Act. The parties agree and stipulate that an exclusion of time under both Rule 5.1 and the Speedy Trial Act from December 10, 2014 to January

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29, 2015 is appropriate based on the parties need to determine if the case can be resolved. In addition, AFPD Beevers needs time to review the discovery, conduct his investigation, and consult with the defendant. 18 U.S.C. §§ 3161(b) and 3161(h)(7)(B)(iv).

SO STIPULATED:

DATED: December 9, 2014

MELINDA HAAG  
United States Attorney  
/s/  
SUSAN KNIGHT  
Assistant United States Attorney

DATED: December 9, 2014

/s/  
DOUGLAS J. BEEVERS  
Assistant Federal Public Defender  
Counsel for Mr. Vargas


**ORDER**

Accordingly, for good cause shown, the Court HEREBY ORDERS that the arraignment scheduled for December 10, 2015 is continued to January 29, 2015 at 9:30 a.m.

The Court FURTHER ORDERS time be excluded under Rule 5.1(c) and (d) in order for the parties to explore a pre-indictment resolution. The Court also excludes time under the Speedy Trial Act from December 10, 2014 through January 29, 2015. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

SO ORDERED.

DATED: 12/9/14

  
HON. KANDIS A. WESTMORE  
United States Magistrate Judge